

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

AIMEE O'NEIL,

Plaintiff,

v.

5:20-CV-720
(GTS/ATB)

CITY OF OSWEGO,

Defendant.

AIMEE O'NEIL, Plaintiff, pro se

ANDREW T. BAXTER
United States Magistrate Judge

ORDER

The Clerk has sent to the court for review a complaint, transferred to the Northern District of New York by United States Magistrate Judge Nancy J. Koppe of the District of Nevada on June 26, 2020. (Dkt. Nos. 1, 9). Magistrate Judge Koppe transferred this action, purportedly brought under diversity jurisdiction, for improper venue. (Dkt. No. 9). Defendant City of Oswego is in the Northern District of New York, and it appears that at least some of the conduct alleged in the action may have occurred in the Northern District of New York. (Complaint "Compl." *generally*) (Dkt. No. 1-1).

Plaintiff has also moved for in forma pauperis ("IFP") status. (Dkt. No. 3). During my preliminary review of plaintiff's complaint for purposes of her IFP application, it came to my attention that plaintiff has filed multiple cases in the Northern District of New York.¹ In 2010, plaintiff brought a case, making very similar

¹ *O'Neil et al v. Diskey*, 5:09-CV-540 (GTS-GHL) (transferred to M.D. Fla. 5/20/09); *O'Neil et al v. Van Auser*, 5:09-CV-594 (NAM-GHL) (dismissed 07/21/09); *O'Neil et al v. Ponzi-Flett*, 5:09-CV-983 (GTS-GHL) (dismissed 02/09/10), *aff'd* No. 09-5174 (2d Cir. Nov. 29, 2010); *O'Neil et al v. Weeno Ponzi* 5:09-CV-985 (GTS-GHL) (terminated 10/22/09); *O'Neil et al v. Bebee*, 5:09-CV-1133 (GTS-DEP) (dismissed 02/11/10), *appeal dismissed* No. 09-1057 (2d Cir. Nov. 29,

allegations to those made herein. *O'Neil v. Beebe*, No. 5:09-CV-1133 (GTS). On March 19, 2010, after affording plaintiff the opportunity to make any arguments in opposition, Chief U.S. District Court Judge Glenn T. Suddaby issued a order, barring plaintiff

from filing *any future pro se actions in this Court without prior leave of the Court*, pursuant to 28 U.S.C. § 1651(a) and the Court's inherent authority to control and manage its own docket so as to prevent abuse in its proceedings.

Id. (Dkt. No. 8 at 1-2) (citing *O'Neil*, No. 5:09-CV-1133 (GTS), 2010 WL 502948, at *10-12 (N.D.N.Y. Feb. 10, 2010)). Plaintiff's attempt to appeal Chief Judge Suddaby's order was dismissed by the Second Circuit on November 29, 2010. (Dkt. No. 12) (Mandate - No. 10-1057). It does not appear that Chief Judge Suddaby's Bar Order has been lifted.

Thus, this action must be sent to Chief Judge Suddaby for his review to determine (1) whether the March 19, 2010 bar order applies in plaintiff's case, and if so, (2) whether plaintiff must now request leave to file this action.

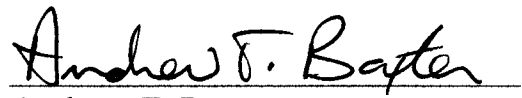
WHEREFORE, based on the findings above, it is

ORDERED, that the Clerk is directed to send this action to the Honorable Chief Judge Glenn T. Suddaby for his review to

- (1) determine whether the March 19, 2010 Bar Order issued in 5:09-CV-1133 is still in effect, and if so
- (2) determine whether plaintiff must now apply for permission to file this action, and
- (3) to take any further action deemed appropriate by the Court.

2010); *O'Neil v. Pasco County*, 5:09-CV-1175 (GTS-GHL) (transferred to M.D. Fla. 12/07/09).

Dated: July 1, 2020

A handwritten signature in black ink, reading "Andrew T. Baxter". The signature is written in a cursive style with a horizontal line underneath it.

Andrew T. Baxter
U.S. Magistrate Judge